

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

DONNY MCGAIL SCOTT

PETITIONER

V.

CIVIL ACTION NO. 3:24-CV-442-KHJ-MTP

STATE OF MISSISSIPPI

RESPONDENT

ORDER DENYING RECONSIDERATION AND TO SHOW CAUSE

Before the Court is pro se Petitioner Donny McGail Scott's second [8] Motion for Leave to Proceed *in forma pauperis*, which the Court construes as a motion to reconsider. On January 31, 2025, the Court denied Scott leave to proceed as a pauper and ordered him to pay the \$5 filing fee by February 20. Order [7]. On February 7, Scott again asked the Court to waive the filing fee. [8] at 1–2. The Court has considered Scott's submissions and the relevant legal authority.

“Rule 54(b) authorizes a district court to reconsider and reverse its prior rulings on any interlocutory order ‘for any reason it deems sufficient.’” *United States v. Renda*, 709 F.3d 472, 479 (5th Cir. 2013) (quoting *Saqui v. Pride Cent. Am., LLC*, 595 F.3d 206, 210 (5th Cir. 2010)). This is true “even in the absence of new evidence or an intervening change in or clarification of the substantive law.” *Saqui*, 595 F.3d at 210 (cleaned up).

Scott had \$50 in his Mississippi Department of Corrections (MDOC) inmate account when he filed this habeas action, so the Court ordered him to pay the filing fee. [7] at 1. Scott does not dispute that he has the money in his MDOC inmate

account. Rather, he claims that he is in the Kemper-Neshoba County Correctional Facility (KCCF) and has no money being held by that facility. *See* [8] at 1–2. He claims KCCF uses a different commissary account service than MDOC. *Id.* at 1.

The Court declines to reconsider its [7] Order. First, the Certificate to Be Completed by Authorized Officer stated that Scott had \$50 “on account to his credit at the KCCF institution where he is confined.” First IFP Mot. [2] at 3. Second, even if he has two different accounts, one for KCCF and one for MDOC, he does not explain why he cannot have MDOC forward the money from his MDOC account, when he was able to have an MDOC official fill out his account information. *Id.* Scott only declares, “I did not understand, the Court was not going to get money.” [8] at 2. It seems that Scott believed the Court was going to extract the money from the MDOC account for him.

For the reasons stated, the Court DENIES pro se Petitioner Donny McGail Scott’s second [8] Motion to Proceed *in forma pauperis*, which the Court construes as a motion to reconsider. **No later than fourteen days from the entry of this Order,** Scott shall either (1) pay the \$5 filing fee or (2) file a written response showing cause why this case should not be dismissed for failure to obey an [7] Order of the Court. Failure to timely respond may result in the dismissal of this case.

SO ORDERED, this 7th day of March, 2025.

s/ Kristi H. Johnson
UNITED STATES DISTRICT JUDGE